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11 Attorneys for Plaintiff,  
12 Johnny Duong

13 UNITED STATES DISTRICT COURT  
14 FOR THE DISTRICT OF ARIZONA

16 Johnny Duong,

Case No.:

18 Plaintiff,

**COMPLAINT**

19 vs.

20 Genesis Credit Management, LLC,

**JURY TRIAL DEMANDED**

22 Defendant.

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1 Plaintiff, Johnny Duong (hereafter “Plaintiff”), by undersigned counsel, brings  
2 the following complaint against Genesis Credit Management, LLC (hereafter  
3 “Defendant”) and alleges as follows:

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the Fair Debt  
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

8 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28  
9 U.S.C. § 1331.

10 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where  
11 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or  
12 where Defendant transacts business in this district.

13 **PARTIES**

14 4. Plaintiff is an adult individual residing in Avondale, Arizona, and is a  
15 “person” as defined by 47 U.S.C. § 153(39).

16 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

17 6. Defendant is a business entity located in Sunnyside, Washington, and is a  
18 “person” as the term is defined by 47 U.S.C. § 153(39).

19 7. Defendant uses instrumentalities of interstate commerce or the mails in a  
20 business the principle purpose of which is the collection of debts and/or regularly  
21 collects or attempts to collect debts owed or asserted to be owed to another, and is a  
22 “debt collector” as defined by 15 U.S.C. § 1692a(6).

1                   **ALLEGATIONS APPLICABLE TO ALL COUNTS**

2                   8. Plaintiff is a natural born person allegedly obligated to pay a debt  
3 asserted to be owed to a creditor other than Defendant.

4                   9. Plaintiffs alleged obligation arises from a transaction in which property,  
5 services or money was acquired on credit primarily for personal, family or household  
6 purposes, is a “debt” as defined by 15 U.S.C. § 1692a(5).

7                   10. At all times mentioned herein where Defendant communicated with any  
8 person via telephone, such communication was done via Defendant’s agent,  
9 representative or employee.

10                  11. Within the last year, Defendant began calling Plaintiff in an attempt to  
11 collect a debt.

12                  12. Defendant called with such frequency that the obvious intent was to  
13 annoy and harass Plaintiff, in violation of the FDCPA.

14                  13. On or around June 3, 2015, Plaintiff spoke to Defendant regarding  
15 repayment of the alleged debt and informed Defendant that he would be unable to  
16 make a payment at that time.

17                  14. Defendant responded by suggesting that Plaintiff break the law by using  
18 his mother’s credit card without her permission to make a payment.

19                  15. Plaintiff refused and Defendant responded by threatening legal action if  
20 Plaintiff was unable to make an immediate payment.

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16. Moreover, Defendant failed to send Plaintiff written notice of the alleged debt, informing Plaintiff of his right to dispute the debt, within five (5) days of its initial communication.

## COUNT I

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15  
U.S.C. § 1692, et seq.**

17. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

18. The FDCPA was passed in order to protect consumers from the use of abusive, deceptive and unfair debt collection practices and in order to eliminate such practices.

19. Defendant attempted to collect a debt from Plaintiff and engaged in  
“communications” as defined by 15 U.S.C. § 1692a(2).

20. Defendant engaged in conduct, the natural consequence of which was to harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

21. Defendant caused Plaintiff's phone to ring or engaged Plaintiff in telephone conversations repeatedly or continuously, with the intent to annoy, abuse and harass Plaintiff, in violation of 15 U.S.C. § 1692d(5).

22. Defendant used false, deceptive, or misleading representations or means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e

1       23. Defendant threatened to take action that could not be legally taken or that  
2 Defendant did not intend to take, in violation of 15 U.S.C. § 1692e(5).  
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4       24. Defendant used unfair and unconscionable means to collect a debt, in  
5 violation of 15 U.S.C. § 1692f.  
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7       25. Defendant failed to send Plaintiff written notice regarding the alleged  
8 debt within five (5) days after its initial communication with Plaintiff, in violation of  
9 15 U.S.C. § 1692g(a).  
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11       26. The foregoing acts and/or omissions of Defendant constitute numerous  
12 and multiple violations of the FDCPA, including every one of the above-cited  
13 provisions.  
14

15       27. Plaintiff has been harmed and is entitled to damages as a result of  
16 Defendant's violations.  
17

**PRAAYER FOR RELIEF**

19       WHEREFORE, Plaintiff prays for judgment against Defendant for:

20       A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);  
21       B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);  
22       C. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C.  
23                   § 1692k(a)(3);  
24       D. Punitive damages; and  
25       E. Such other and further relief as may be just and proper.  
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1                   **TRIAL BY JURY DEMANDED ON ALL COUNTS**  
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4 DATED: September 16, 2015

TRINETTE G. KENT

5                   By: /s/ Trinette G. Kent  
6                   Trinette G. Kent, Esq.  
7                   Lemberg Law, LLC  
8                   Attorney for Plaintiff, Johnny Duong

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